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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059809
Party	Defendant Hadland Imaging LLC
Correspondence Address	HADLAND IMAGING LLC 802 SEABRIGHT AVENUE SANTA CRUZ, CA 95062 UNITED STATES trumbaugh@hadlandimaging.com
Submission	Answer
Filer's Name	todd rumbaugh
Filer's e-mail	trumbaugh@hadlandimaging.com
Signature	/toddrumbaugh/
Date	11/24/2014
Attachments	USPTO92059809Nov2014.pdf(310741 bytes )

TIME TO ANSWER RESPONSE:

**We Dispute count 1** – The name KIRANA has been trademarked by Hadland Imaging Reg.# 4,395,912 class 9 camera which includes scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus. Class 9 is one of 45 classes used by the U.S. Patent and Trademark Office (USPTO) when grouping products or services.

**We Dispute count 2** - After graduating from College in 1986, as a photography major with a minor in engineering, I applied for a job at Aberdeen proving grounds and was placed in the high-speed photography group. I worked there until 1995 when I was approached by Hadland Photonics and offered a job to move from east coast to west coast. Being involved in high speed photography has always been a passion. In 1998, Hadland Photonics was purchased by DRS Technologies and in 2001, the factory was moved from the UK to the US, at which time Keith Taylor and Wai Chan (specialised imaging) quit employment. In 2006, Frank Kosel (Specialised Imaging) quit employment from DRS and began to represent a new company started by Mr. Chan and Mr. Taylor, called Specialised Imaging. They started a company that Directly competed with the company they left (DRS Hadland), which happened to be the company I was still employed with. In addition, specialised imaging recreated similar systems that DRS had as products and used this as a catalyst to directly compete and develop other systems based on the same technology.

In 2008, DRS decided to get out of the High Speed Camera Business and offered to sell the name (Hadland), along with all of its rights to patents and trademarks to Todd Rumbaugh. I decided that it was a worthwhile adventure, due to my continued passion for high speed imaging and started Hadland Imaging LLC on December 30, 2008.

Knowing that framing and streak imaging were always synonymous to each other on the technical side of imaging, we thought that an image or ray of light was worthwhile to photograph. In 2010, a ray of light was born as a concept for technical imaging. My wife has family in the Himalayan region and the word for ray of light in Hindu is Kirana. Hadland Imaging had not established itself yet as a manufacturer of cameras but has been striving to meet that goal. We thought if a name was important, then it must be trademarked by USPTO. In 2010, we started to conceive a camera system that could fit that name and idea. Several associates we have worked with in the past knew our intentions but when we saw that a competitor (specialised imaging) decided to call their camera the Kirana, we thought it might be in our best interest as a company to see if a trademark was available, so we applied for a trademark in the USA and were granted the mark after months and months of wide circulation for dispute. **No one ever disputed the claim for Kirana as a trademark for cameras.**

**We Dispute count 3, 4** - On March 11, 2014 we decided to send a letter to Specialised Imaging RE: Demand for Cessation of violation of trademark rights (letter attached). Ironically, 1 month later, Specialised Imaging decided to apply for a trademark, knowing well in advance that we had trademarked the name and were asking them to stop using it in commerce. Our main concern is that they cease and desist using the name, Kirana. **If we had not sent the letter to specialised imaging to cease and desist, they would not of even bothered to apply for a US trademark.**

Thank you for your patience.

Sincerely,  
Todd Rumbaugh



President  
Hadland Imaging



March 11, 2014

**Via Overnight Service and Facsimile**

Specialised Imaging Inc.  
41690 Enterprise Circle North  
Temecula CA 92590  
United States

**RE: DEMAND FOR CESSATION OF VIOLATION OF TRADEMARK RIGHTS**

Trademark/Name: Kirana, USPTO Registration # 4395912  
Our Client and Trademark Owner: Hadland Imaging, LLC

Dear Sir or Madam:

We have recently discovered that your company is trading on Hadland Imaging, LLC's goodwill by using a name that is confusingly similar to the registered trademark, "Kirana". Our client, Hadland Imaging, LLC, (hereinafter, "Hadland") is the owner of a U.S. Federal Trademark, Reg. No.: 4395912 relating to the trademark "Kirana", used by Hadland to identify their brand of cameras. Your use of the Kirana trademark infringes upon our client's trademark rights.

It has come to Hadland's attention that Specialised Imaging Inc. has been using "Kirana" to promote its cameras through various advertisements, including print and internet advertisements. Your use of "Kirana" to promote your cameras is similar, if not identical, to Hadland's use of the Kirana trademark.

Your unauthorized use of Hadland's federally registered trademark amounts to an infringement of Hadland's trademark rights. Federal trademark law provides numerous remedies for trademark infringement and dilution, including, but not limited to, preliminary and permanent injunctive relief, money damages, lost profits, provisions for the destruction or confiscation of infringing products and promotional materials, attorneys' fees, and treble money damages. Moreover, your unauthorized use of the Kirana trademark infringes upon Hadland's common law trademark rights in the Kirana trademark, constitutes unfair competition, and dilutes Distinctive quality of the mark, all in violation of applicable Federal, state, and local laws. See 15 U.S.C. Section 1125(c) and the Federal Anti-Dilution Act.

Therefore, we respectfully request that you immediately cease and desist in further use of the Kirana trademark in association with the marketing, sale, distribution, or identification of your products, including but not limited to the following:

- Cease all use of “Kirana”;
- Cancel all advertisements, including but not limited to: radio, print, internet, television, and billboard advertisements, using “Kirana”; and
- Agree to destroy and/or delete within thirty (30) days all marketing materials, advertisements, business cards, brochures, labeling, packaging, and all other items containing “Kirana”.

We also respectfully request that you contact Hadland assuring Hadland of your immediate actions taken to cease and desist all current and future use of the Kirana trademark or any confusingly similar trademark within seven (7) calendar days of the receipt of this letter. We hope that this issue may be amicably resolved so we may avoid any further legal action as provided by federal and state laws.

Hadland reserves the right to take any and all legal steps necessary to protect its intellectual property rights. If Hadland is forced to litigate this matter, it will seek damages and attorney's fees.

You may contact Todd Rumbaugh, Director of Hadland Imaging, LLC, by phone or in writing, to discuss the resolution of this matter. Mr. Rumbaugh may be reached by phone at **1-800-248-4686**, by e-mail at **trumbaugh@hadlandimaging.com**, or in writing at **343 Soquel Avenue, #34, Santa Cruz, CA 95062**. Nothing contained in or omitted from this letter shall be used to prejudice the rights and remedies of Hadland, all such rights hereby being expressly reserved.

Sincerely,

ARROYO LAW GROUP, LLP

By: Abdul A. Darab, Esq.  
Attorney

Cc: Specialised Imaging Ltd. (via Facsimile and E-mail [info@specialised-imaging.co.uk])

Design Mark: KIRANA reg # 4,395,912 Reg: September 3, 2013

Description of Mark: NONE

Goods/Services Class 009. First use: First Use: 1-1-2010 First Use In Commerce: 1-1-2012

**Cameras:** **Class 9** includes scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus. Class 9 is one of 45 classes used by the U.S. Patent and Trademark Office (USPTO) when grouping products or services.

## Certificate of Service

**The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address on record by First Class Mail on this date.**

**Darin L. Brown**

Holland & Hart LLP

P.O. Box 8749

Denver, CO 80201

UNITED STATES

docket@hollandhart.com, dlbrown@hollandhart.com, jshajek@hollandhart.com,

lmroot@hollandhart.com Phone:3034732731

**Signature /todd g. rumbaugh/**

**Name Todd G. Rumbaugh**



**Date 11/23/2014**